

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 964 - HB 1320

March 4, 2021

SUMMARY OF BILL: Creates an offense to intentionally cause a person, by force or coercion, to become a criminal gang member against the person's will. Sets the penalty for the offense based on the age of the victim. Adds such offense to the meaning of criminal gang offense.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$293,900 Incarceration*

Assumptions:

- The proposed legislation sets the punishment for the offense of intentionally causing a person to become a criminal gang member by victims' ages at the time of the offense as follows:
 - Class D felony if the victim was older than 21;
 - Class C felony if the victim was 17 but no more than 21;
 - Class B felony if the victim was 14 but no more than 16; and
 - Class A felony if the victim was 13 years or younger.
- Pursuant to Tenn. Code Ann. § 40-35-121(b), a criminal gang offense is required to be punished one classification higher than established by statute if:
 - The defendant was a criminal gang member at the time of the offense; and
 - The criminal gang offense was committed at the direction of, in association with, or for the benefit of the defendant's criminal gang or a member of the defendant's criminal gang.
- The proposed legislation will result in one Class A felony admission each year.
- Population growth and recidivism will not impact these admissions.
- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- The average time served for a Class A felony is 14.41 years.
- This analysis estimates the highest cost for admissions in the next 10 years; therefore, any additional time added by the proposed legislation resulting in sentences exceeding 10 years in length surpass the window of this analysis.
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every year serving 3,652.5 days (10 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$293,880 (\$80.46 x 3,652.5 x 1).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

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